

MAINE STATE LEGISLATURE

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(New Title)
New draft of S. P. 43, L. D. 99

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1796

S. P. 584

In Senate, April 11, 1973

Reported by Senator Brennan of Cumberland in Report D, from Committee on Judiciary and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Testimony before Grand Jury by News Media.

Be it enacted by the People of the State of Maine, as follows:

R. S., T. 15, c. 205, sub-c. I-A, additional. Chapter 205 of Title 15 of the Revised Statutes is amended by adding a new subchapter I-A to read as follows:

SUBCHAPTER I-A

TESTIMONY BEFORE GRAND JURY

§ 1319. Intent

The Legislature finds and declares that freedom of the press is indispensable to maintenance of a democratic government and an informed electorate. It further finds that freedom of the press is endangered by compulsory revelation of confidential sources of information. It further finds that grand jury investigations have the greatest potential for endangering the freedom of the press, which freedom is indispensable to democratic government. It is the intent and purpose of this subchapter to extend the privilege to refuse to testify to news reporters so that their investigative research, confidential sources of information and reporting shall not be utilized as the basis of criminal indictments without the consent of said reporters.

§ 1320. Definitions

As used in this subchapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. The business of disseminating news means any newspaper, magazine or other periodical, book, news service, wire service, news syndicate, broadcast news service, cablecast news service, broadcast station or network or cable television system.

2. Grand jury means any grand jury convened pursuant to Maine Rules of Criminal Procedure or by virtue of any other legal authority.

3. News or other information means any written, oral or pictorial news or other information or material.

4. Published news or other information means any information disseminated through any medium of communication to the public.

5. Unpublished news or other information means information not disseminated through any medium of communication to the public, whether or not related information has been so disseminated.

§ 1321. Testimony before grand jury

No person regularly employed by any person, corporation or other legal entity engaged in the business of disseminating news shall be required to disclose to any grand jury either :

1. Source. The source of any published or unpublished news or other information obtained in the gathering, receiving or processing of news for dissemination through any medium of communication to the public; or

2. Other information. Any unpublished news or other information obtained in the gathering, receiving or processing of news for dissemination through any medium of communication to the public.

§ 1322. Rules

The Supreme Judicial Court shall promulgate rules, for quashing subpoenas to appear before grand juries, not inconsistent with this subchapter.

STATEMENT OF FACT

The intent of this bill is (1) to limit the definition of persons entitled to the testimonial privilege to persons regularly engaged in the news reporting business; (2) to limit the proceedings to which such privilege may be asserted to grand jury proceedings.

The principal abuse of the traditional confidentiality of press sources has been with grand juries. Not limited to probable cause or any other legal standards, some grand juries have recently attempted to use the investigative reporter's information as a substitute for their own investigation. The greatest danger to a free press comes from compulsory annexing reporters as an investigative arm of grand juries.